

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:13-cv-62-RJC**

DE'ANTE OCTARIO HOWARD,

Plaintiff, pro se,

vs.

**KEITH A. KUHNE, Doctor,
LARRY JONES, Doctor,
DAVID GUINN, Physician's Assistant,
RUSSELL MCGALLARD, Medical
Department Director,**

Defendants.

ORDER

THIS MATTER comes before the Court on pro se Plaintiff De' Ante Octario Howard's Motion for Entry of Default, (Doc. No. 17), filed on February 18, 2014, in which Plaintiff seeks entry of default against Defendants for failure to submit an Answer or responsive pleading, and on Defendant Russell McGallard's Motion for Extension of Time to file an Answer, filed on February 11, 2014, (Doc. No. 16).

Plaintiff's motion is **DENIED**, as Defendants Kuhne and Guinn have received an extension of time to file their Answers until March 9, 2014, and the Court will grant Defendant McGallard an additional thirty (30) days from entry of this Order in which to file an Answer. As to Defendant Jones, the Court has not received the returned summonses from the U.S. Marshal showing whether Defendant Jones has been served with process.

IT IS THEREFORE ORDERED that:

(1) Plaintiff's Motion for Entry of Default, (Doc. No. 17), is **DENIED**.

- (2) Defendant McGallard's Motion for Extension of Time, (Doc. No. 16), is **GRANTED** and Defendant shall have thirty (30) days from entry of this Order in which to file an Answer.
- (3) The U.S. Marshal is instructed to return the summonses as executed or nonexecuted to the Court.

Signed: March 4, 2014

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

